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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Sanji Genma

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466

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01/12/2009

YOUNG & THOMPSON

209 Madison Street

Suite 500

ALEXANDRIA, VA 22314

EXAMINER

NGUYEN, SON T

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,681	Applicant(s) GENMA ET AL.	
	Examiner Son T. Nguyen	Art Unit 3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-4 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

specie A: figs. 1(a)-3(d).

specie B: figs. 4(a)-6(d).

specie C: figs. 7-10.

specie D: figs. 11(a)-11(b).

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

2. The claims are deemed to correspond to the species listed above in the following manner:

claim 1, specie A.

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claim 2, specie B.

claim 3, specie C.

claim 4, specie D.

The following claim(s) are generic: none.

3. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features (STF) for the following reasons:

Specie A lacks STF of a planting pot tray provided with a planting pot exposed toward the open windows when housed in the holding cover, wherein the inside of the holding cover is filled with culture soil with the open windows of the holding cover turned downward and blocked with the planting pot tray turned upside down, the holding cover is turned right side up with the opening side of the holding cover covered with the tray, such that the planting pot tray on the culture soil in the holding cover is held down with the holding crosspiece of the holding cover, wherein plants can be planted in the planting pot exposed through the open windows of the holding cover, as required for specie B. In addition, specie A lacks STF of a planting pot tray provided with a planting pot exposed through the open window when housed in the holding cover; a pocket-type soil-receiving tray attached to the outside of the planting pot of the planting pot tray for receiving culture soil in the planting pot; and a mesh board for holding the soil-receiving tray at a predetermined position and for holding down the holding cover, wherein the multipurpose planting base is attached directly on a wall surface or via a clasp fixed on the wall surface with a screw passing through the mesh board, the holding cover, and the tray, as required for specie C. Moreover, specie A lacks STF of a temperature-sensitive water absorption/drainage mat comprised of a temperature-sensitive water absorption/drainage polymer that is disposed with an inclination along the lower periphery of each planting pot with which the planting pot tray of the planting base vertically attached on the wall surface is provided; a temperature-sensitive water absorption/drainage mat disposed with an inclination in the uppermost portion of the planting pot tray; and a watering pipe provided with a horizontal pipe with a plurality of water supply holes and disposed at a position where it comes into contact with the temperature-sensitive water absorption/drainage mat in the uppermost portion, wherein water that flows out of each water supply hole is absorbed by the temperature-sensitive water absorption/drainage mat in the uppermost portion, and water that flows down along the inclination of the temperature-sensitive water absorption/drainage mat in the uppermost portion is sequentially supplied to each temperature-sensitive water absorption/drainage mat via lower temperature-sensitive water absorption/drainage mats and culture soil, as required for specie D.

Specie B lacks STF of wherein the holding cover has a planar rectangular or square shape with screw holes formed in the four corners thereof and has a side portion having a height, and the side portion has a plurality of slits for vent openings and concave portions, the holding cover having the plurality of open windows on an upper surface thereof that are divided by the holding crosspiece, which is lattice-shaped,

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wherein the inside of the holding cover is filled with the culture soil with the open windows of the holding cover turned downward and blocked with the turf sheet turned upside down, and wherein the tray has a vertically extending frame at its periphery, the vertically extending frame having a planar shape and an internal diameter such that it fits on the outer periphery of the holding cover, wherein a hook portion is formed on the inside of the vertically extending frame that fits in a concave portion of the holding cover, and wherein the holding cover is turned right side up with the opening side of the holding cover covered with the tray, so that the turf sheet on the culture soil in the holding cover can be held down by the holding crosspiece of the holding cover, as required by specie A. In addition, specie B lacks STF of a planting pot tray provided with a planting pot exposed through the open window when housed in the holding cover; a pocket-type soil-receiving tray attached to the outside of the planting pot of the planting pot tray for receiving culture soil in the planting pot; and a mesh board for holding the soil-receiving tray at a predetermined position and for holding down the holding cover, wherein the multipurpose planting base is attached directly on a wall surface or via a clasp fixed on the wall surface with a screw passing through the mesh board, the holding cover, and the tray, as required for specie C. Moreover, specie B lacks STF of a temperature-sensitive water absorption/drainage mat comprised of a temperature-sensitive water absorption/drainage polymer that is disposed with an inclination along the lower periphery of each planting pot with which the planting pot tray of the planting base vertically attached on the wall surface is provided; a temperature-sensitive water absorption/drainage mat disposed with an inclination in the uppermost portion of the planting pot tray; and a watering pipe provided with a horizontal pipe with a plurality of water supply holes and disposed at a position where it comes into contact with the temperature-sensitive water absorption/drainage mat in the uppermost portion, wherein water that flows out of each water supply hole is absorbed by the temperature-sensitive water absorption/drainage mat in the uppermost portion, and water that flows down along the inclination of the temperature-sensitive water absorption/drainage mat in the uppermost portion is sequentially supplied to each temperature-sensitive water absorption/drainage mat via lower temperature-sensitive water absorption/drainage mats and culture soil, as required for specie D.

Specie C lacks STF of wherein the holding cover has a planar rectangular or square shape with screw holes formed in the four corners thereof and has a side portion having a height, and the side portion has a plurality of slits for vent openings and concave portions, the holding cover having the plurality of open windows on an upper surface thereof that are divided by the holding crosspiece, which is lattice-shaped, wherein the inside of the holding cover is filled with the culture soil with the open windows of the holding cover turned downward and blocked with the turf sheet turned upside down, and wherein the tray has a vertically extending frame at its periphery, the vertically extending frame having a planar shape and an internal diameter such that it fits on the outer periphery of the holding cover, wherein a hook portion is formed on the inside of the vertically extending frame that fits in a concave portion of the holding cover, and wherein the holding cover is turned right side up with the opening side of the holding cover covered with the tray, so that the turf sheet on the culture soil in the

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holding cover can be held down by the holding crosspiece of the holding cover, as required by specie A. In addition, specie C lacks STF of a planting pot tray provided with a planting pot exposed toward the open windows when housed in the holding cover, wherein the inside of the holding cover is filled with culture soil with the open windows of the holding cover turned downward and blocked with the planting pot tray turned upside down, the holding cover is turned right side up with the opening side of the holding cover covered with the tray, such that the planting pot tray on the culture soil in the holding cover is held down with the holding crosspiece of the holding cover, wherein plants can be planted in the planting pot exposed through the open windows of the holding cover, as required for specie B. Moreover, specie C lacks STF of a temperature-sensitive water absorption/drainage mat comprised of a temperature-sensitive water absorption/drainage polymer that is disposed with an inclination along the lower periphery of each planting pot with which the planting pot tray of the planting base vertically attached on the wall surface is provided; a temperature-sensitive water absorption/drainage mat disposed with an inclination in the uppermost portion of the planting pot tray; and a watering pipe provided with a horizontal pipe with a plurality of water supply holes and disposed at a position where it comes into contact with the temperature-sensitive water absorption/drainage mat in the uppermost portion, wherein water that flows out of each water supply hole is absorbed by the temperature-sensitive water absorption/drainage mat in the uppermost portion, and water that flows down along the inclination of the temperature-sensitive water absorption/drainage mat in the uppermost portion is sequentially supplied to each temperature-sensitive water absorption/drainage mat via lower temperature-sensitive water absorption/drainage mats and culture soil, as required for specie D.

Specie D lacks STF of wherein the holding cover has a planar rectangular or square shape with screw holes formed in the four corners thereof and has a side portion having a height, and the side portion has a plurality of slits for vent openings and concave portions, the holding cover having the plurality of open windows on an upper surface thereof that are divided by the holding crosspiece, which is lattice-shaped, wherein the inside of the holding cover is filled with the culture soil with the open windows of the holding cover turned downward and blocked with the turf sheet turned upside down, and wherein the tray has a vertically extending frame at its periphery, the vertically extending frame having a planar shape and an internal diameter such that it fits on the outer periphery of the holding cover, wherein a hook portion is formed on the inside of the vertically extending frame that fits in a concave portion of the holding cover, and wherein the holding cover is turned right side up with the opening side of the holding cover covered with the tray, so that the turf sheet on the culture soil in the holding cover can be held down by the holding crosspiece of the holding cover, as required by specie A. In addition, specie D C lacks STF of a planting pot tray provided with a planting pot exposed toward the open windows when housed in the holding cover, wherein the inside of the holding cover is filled with culture soil with the open windows of the holding cover turned downward and blocked with the planting pot tray turned upside down, the holding cover is turned right side up with the opening side of the holding cover covered with the tray, such that the planting pot tray on the culture soil

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in the holding cover is held down with the holding crosspiece of the holding cover, wherein plants can be planted in the planting pot exposed through the open windows of the holding cover, as required for specie B. Moreover, specie D lacks STF of a planting pot tray provided with a planting pot exposed through the open window when housed in the holding cover; a pocket-type soil-receiving tray attached to the outside of the planting pot of the planting pot tray for receiving culture soil in the planting pot; and a mesh board for holding the soil-receiving tray at a predetermined position and for holding down the holding cover, wherein the multipurpose planting base is attached directly on a wall surface or via a clasp fixed on the wall surface with a screw passing through the mesh board, the holding cover, and the tray, as required for specie C.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son T. Nguyen whose telephone number is 571-272-6889. The examiner can normally be reached on Mon-Thu from 10:00am to 5:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 571-272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son T. Nguyen/
Primary Examiner, Art Unit 3643